

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

FC 2011-094274

11/09/2011

HONORABLE TIMOTHY J. RYAN

CLERK OF THE COURT  
L. Wilkins  
Deputy

IN RE THE MARRIAGE OF  
BRUCE MCCLELLAND

BRUCE MCCLELLAND  
10112 E PAMPA AVE  
MESA AZ 85212

AND

HEATHER MCCLELLAND

JANET R FEELEY

MINUTE ENTRY

Courtroom 402 - SE

10:43 a.m. This is the time set for Resolution Management Conference re: Mother's *Motion for Expedited Hearing Re Motion for Interim Order Granting Petitioner Immediate Exclusive Use of Community Residence* filed September 30, 2011, Father's Response filed October 7, 2011, and Father's *Emergency Motion for Temporary Orders Re: Child Custody, Parenting Time, Child Support, Spousal Maintenance and Exclusive Use of the Marital Residence and Request to be Heard at Hearing Scheduled for November 9, 2011 @ 10:30 a.m.* filed October 28, 2011. Petitioner/Father is present on his own behalf. Respondent/Mother is present and is represented by above named counsel.

A record of the proceedings is made by audio and/or videotape in lieu of a court reporter.

Father addresses the Court.

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

FC 2011-094274

11/09/2011

Mother's counsel addresses the Court.

Discussion is held regarding exclusive use of the marital residence and the *Order of Protection*.

10:55 a.m. The Court stands at recess.

10:57 a.m. Court reconvenes with the parties and respective counsel present.

A record of the proceedings is made by audio and/or videotape in lieu of a court reporter.

The Court has reviewed Rule 76 of Arizona Rules of Family Law Procedure governing Resolution Management Conferences. The Court can conduct hearings only with the consent of both parties. The Court has a motion but not consent before it. Additionally, the Court notes that on September 22, 2011, Judge Pro Tem Jane Bayham-Lesselyong granted Father exclusive use and possession of the residence.

**THE COURT FINDS** that it is not appropriate to entertain a motion for temporary orders at this time in light of the fact that this was scheduled for a Resolution Management Conference.

Discussion continues regarding exclusive use of the marital residence and whether the parties can agree to proceed this date as an evidentiary hearing.

**LET THE RECORD REFLECT** Father does not agree to proceed with an Evidentiary Hearing this date.

Discussion is held regarding the marital residence.

**LET THE RECORD REFLECT** the parties agree that an appraisal should be performed on the marital residence.

Father agrees to obtain documentation from his parents as evidence to their willingness and ability finance Father's purchase of the marital residence.

**IT IS ORDERED** setting Evidentiary Hearing, by avowal, re: Mother's *Motion for Expedited Hearing Re Motion for Interim Order Granting Petitioner Immediate Exclusive Use of Community Residence* filed September 30, 2011, Father's Response filed October 7, 2011, and Father's *Emergency Motion for Temporary Orders Re: Child Custody, Parenting Time, Child Support, Spousal Maintenance and Exclusive Use of the Marital Residence* filed October 28,

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

FC 2011-094274

11/09/2011

2011 on **December 12, 2011 at 1:00 p.m. (30 minutes allowed)** before Honorable Timothy J. Ryan at:

Maricopa County Superior Court  
Southeast Judicial District  
222 E. Javelina Avenue  
Courtroom 402  
Mesa, AZ 85210

**IT IS FURTHER ORDERED** any evidence intended to be submitted as exhibits at the time of the Trial must be brought to this division **no later than December 6, 2011 with a coversheet listing the description of the exhibits. The exhibits shall be separated by a COLORED sheet of paper.** Any exhibits submitted shall be copied to the opposing party at that same time. The parties shall coordinate their exhibits so that each party does not present duplicate exhibits of the other party. Do not provide a bench copy of the exhibits. **Failure to obey these orders may result in exclusion of the exhibit and/or waiver of objections.**

**NOTE: ALL COURT PROCEEDINGS ARE RECORDED BY AUDIO METHOD AND NOT BY A COURT REPORTER. ANY PARTY MAY REQUEST THE PRESENCE OF A COURT REPORTER BY CONTACTING THIS DIVISION THREE (3) COURT BUSINESS DAYS BEFORE THE SCHEDULED HEARING.**

**NOTICE:** A child should not be brought to the Courthouse to be present during a court proceeding except in the circumstance that the child is to be interviewed by the Judge in chambers or unless the child's presence is otherwise required for the court proceeding. Whenever a child is brought to the Courthouse, it is the responsibility of the party who brings the child to arrange for appropriate care and supervision of the child outside of the courtroom and judicial offices. The duties of Court personnel do not permit them to perform this function.

Both parties agree that a trial of 2 hours is sufficient to resolve all of the remaining issues in this case.

**IT IS ORDERED** setting Trial to the Court on **February 28, 2012 at 10:00 a.m. (2 hours allowed)** before the Honorable Timothy J. Ryan at:

Maricopa County Superior Court  
Southeast Judicial District  
222 E. Javelina Avenue  
Courtroom 402  
Mesa, AZ 85210

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

FC 2011-094274

11/09/2011

Pursuant to Rule 77(C)(5), Arizona Rules of Family Law Procedure, each party will be allowed one-half of the available time to present all direct, cross, redirect examination and any argument. The parties are expected to complete the trial in the allotted time, and the time will not be extended absent a motion granted by the Court and filed at least thirty (30) days prior to trial setting forth good cause to extend the time and specifically including a list of each and every witness who will testify and an estimate of time and subject matter of the expected testimony for each witness.

**IT IS ORDERED** any evidence intended to be submitted as exhibits at the time of the Trial must be brought to this division **no later than February 22, 2012 with a coversheet listing the description of the exhibits. The exhibits shall be separated by a COLORED sheet of paper.** Any exhibits submitted shall be copied to the opposing party at that same time. The parties shall coordinate their exhibits so that each party does not present duplicate exhibits of the other party. Do not provide a bench copy of the exhibits. **Failure to obey these orders may result in exclusion of the exhibit and/or waiver of objections.**

**IT IS FURTHER ORDERED** that the failure of either party to appear at the time of trial, or to timely present the Joint Pre-Trial Statement in proper form, including each and every attachment required, shall, in the absence of good cause shown, result in the imposition of any and all available sanctions pursuant to Rule 76(D), Arizona Rules of Family Law Procedure and Local Rules 6.2(e) and 6.9(b), including proceeding to hear this matter by default based upon the evidence presented by the appearing party.

**IT IS FURTHER ORDERED** that if either party files a request for findings of fact and conclusions of law pursuant to Rule 82, Arizona Rules of Family Law Procedure, each party shall submit proposed findings of fact and conclusions of law to this Division by no later than **February 22, 2012.**

**IT IS ORDERED** with regard to discovery and disclosure requirements:

1. Both parties shall complete all disclosure requirements required by Rules 49 and 50, Arizona Rules of Family Law Procedure, including an exchange of all relevant information, documents and exhibits on or before **January 27, 2012.**
2. All depositions and discovery contemplated by Rules 49 through 65, Arizona Rules of Family Law Procedure, shall be completed and any motions regarding discovery shall be filed no later than **January 27, 2012.**
3. The parties shall promptly comply with all requests for relevant information in this case. In this regard, the parties shall sign all necessary consents and releases



SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

FC 2011-094274

11/09/2011

be submitted in an electronic form that is editable, preferably Microsoft Word. The proposed findings must be submitted with the Pretrial Statement.

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11:10 a.m. Conference concludes.

**PLEASE NOTE:** This Court utilizes a digital audio recording system to preserve the official record of proceedings. Persons requesting copies of recorded proceedings may call the 24 hour call in line at (602) 506-7100 for complete instructions.

All parties representing themselves must keep the Court updated with address changes. A form may be downloaded at: <http://www.superiorcourt.maricopa.gov/SuperiorCourt/Self-ServiceCenter>.